

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

BILLIE RODRIQUEZ, et al

Plaintiffs,

v.

EXXON MOBIL CORPORATION, et al

Defendants.

Case No. 4:24-cv-00803-SRB

**PLAINTIFFS' NOTICE IN RESPONSE TO EXXON MOBIL'S MOTION TO  
TRANSFER AND MOTION TO STAY PROCEEDINGS**

Plaintiffs come now to address Exxon Mobil Corporation's Motion to Transfer Venue and Motion to Stay Proceedings. Both Motions are now moot, and in support of this, Plaintiffs state:

1. On December 22, 2024, Defendant Exxon Mobil Corporation<sup>1</sup> filed both a Motion to Transfer Venue [ECF 3] and Suggestions in Support [ECF 4], and a Motion to Stay Proceedings with accompanying Suggestions in Support [ECF 5]. Through stipulation, the deadline for Plaintiffs' Response to these Motions is January 17, 2025. ECF 11, 12.

2. The basis for these Motions was the filing of a similar putative class action, against the same Defendants, with the same allegations, on behalf of Plaintiff Ford County in the District of Kansas, *Ford County, Kansas v. Exxon Mobil Corp., et al.*, Case No. 2:24-cv-02547. Defendant Exxon alleges "virtually identical averments of fact" between the instant case and *Ford County*. ECF 4 at 3.

---

<sup>1</sup> Defendant ExxonMobil's attempt to "specially appear" while preserving Rule 12(b) defenses is inconsistent with well-established principles of federal civil procedure. Filing any motion, including a motion to stay or transfer venue, constitutes consent to the Court's jurisdiction and effectively waives any objections based on personal jurisdiction or improper venue. See *Insurance Corp. of Ireland v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 704 (1982) (holding that personal jurisdiction objections can be waived through conduct indicating consent to the court's authority). ExxonMobil's filing of motions in this case, including its Motion to Transfer and Motion to Stay Proceedings, constitutes an invocation of the Court's authority and renders its purported "special appearance" meaningless.

3. Upon consideration of Defendant Exxon Mobil's arguments regarding the overlap of allegations and parties to the two cases, and for purposes of judicial efficiency and economies, Plaintiffs, as masters of their own Complaint, voluntarily dismissed *Ford County* in the District of Kansas. *See* 24-cv-2547, ECF 4 (attached as **Exhibit 1**).

4. Because the instant case is now brought on behalf of several Missouri residents—including additional plaintiffs added as part of the forthcoming First Amended Complaint—the lawsuit is best situated in the Western District of Missouri to be litigated in a single case, together, by the Consumer Plaintiffs and the governmental entity Plaintiff, Ford County. This will allow all parties to save time and judicial resources and streamline discovery in the appropriate jurisdiction.

5. As such, an Amended Complaint on behalf of the Consumer Plaintiffs and Ford County is forthcoming on the docket, and Defendant Exxon Mobil Corporation's Motions to Transfer and Stay are now moot and require no further response.

Dated: January 17, 2025.

Respectfully submitted,

/s/ Rex A. Sharp

Rex A. Sharp, MO #51205  
Isaac L. Diel, MO #39503  
W. Greg Wright, MO #49545  
Sarah T. Bradshaw, MO #66276  
Hammons P. Hepner, MO #77258  
SHARP LAW, LLP  
4820 W. 75th Street  
Prairie Village, KS 66208  
(913) 901-0505  
(913) 261-7564 Fax  
rsharp@midwest-law.com  
idiel@midwest-law.com  
gwright@midwest-law.com  
sbradshaw@midwest-law.com  
hhepner@midwest-law.com

--and--

Dave Rebein, KS #10476  
REBEIN BROTHERS, PA  
1715 Central Ave.  
Dodge City, KS 67801  
Tel: (620) 227-08126

--and--

Glenn I. Kerbs, KS #09754  
Samantha F. Sweley, KS #26833  
KERBS LAW OFFICE, LLC  
1715 Central Ave.  
Dodge City, KS 67801  
Tel: (620) 255-0238  
gkerbs@kerbslaw.com  
ssweley@kerbslaw.com

*Attorneys for Plaintiffs  
and the Proposed Class*

**CERTIFICATE OF SERVICE**

I hereby certify that, on January 17, 2025, I caused to be electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Rex A. Sharp  
Rex A. Sharp